Questions and Answers About the Desert Yellowhead and Critical Habitat

The U.S. Fish and Wildlife Service has designated 360 acres of Federally-managed lands in the Beaver Rim area in Fremont County, Wyoming as critical habitat under the Endangered Species Act for the desert yellowhead, a perennial herb in the sunflower family.

The following are frequently asked questions regarding the desert yellowhead and critical habitat.

What is the desert yellowhead?

The desert yellowhead is a perennial herb in the sunflower family that was discovered in 1990 by Wyoming botanist Robert Dorn. The plant has leafy steams about 12 inches high, and has leathery, lance-shaped to oval leaves that may be from an inch and a half to 10 inches long. There are many flower heads (25-80) crowded at the top of the stem, and each head contains four to six yellow disk flowers.

The plant is currently known to exist only in a single population on less than 50 acres of Bureau of Land Management land in southern Fremont County, Wyoming. The population contains an estimated 12,000 plants.

What are the threats to the desert yellowhead?

The desert yellowhead is threatened by human activities, including potential oil and gas field development on two leases that encompass the plant's habitat. The plant may also be threatened by the search for and extraction of uranium and zeolites – minerals with properties useful in water softening, pollution control and removal of radioactive products from radioactive waste. Other threats include recreational off-road vehicle use in the area and non-native species. Because of the desert yellowhead's small population and limited geographic range, even small-scale habitat degradation could make it vulnerable to extinction. However, recent surveys indicate that the desert yellowhead population appears stable and current conditions appear favorable to the species and its habitat.

Why is it important to protect plants?

Native plants are important for their ecological, economic and aesthetic values. Plants play an important role in development of crops that resist disease, insects and drought. At least 25 percent of prescription drugs contain ingredients derived from plant compounds, including treatments for cancer, juvenile leukemia, heart disease and malaria, and medicines to assist in organ transplants. Plants are also being used to develop natural pesticides.

What is critical habitat?

Critical habitat is a term used in the Endangered Species Act (ESA) that refers to specific geographic areas that contain habitat features essential for the conservation of a threatened or endangered species.

What is the purpose of designating critical habitat?

Critical habitat is a tool to identify areas that are important to the recovery of a listed species. It also notifies Federal agencies that they must give these areas special consideration when they are planning, implementing, or funding activities. Federal agencies are required to consult with the Service on actions they carry out, authorize, fund, or permit, that may affect critical habitat. A critical habitat designation has no effect when a Federal agency is not involved. For example, a landowner undertaking a project on private land that involves no Federal funding or permit has no additional responsibilities if his property falls within critical habitat boundaries.

Why was critical habitat designated for the desert yellowhead?

This critical habitat designation was completed in response to a lawsuit filed by the Biodiversity Legal Foundation, Biodiversity Associates, Center for Native Ecosystems and Wyoming Outdoor Council. The suit alleges that the Service failed to make a timely final listing determination and critical habitat designation for the desert yellowhead. Under a court-approved settlement, March 8, 2003 was the deadline for submitting proposed critical habitat to the <u>Federal Register</u>, and March 8, 2004 was the deadline for submitting a final critical habitat designation.

Section 4(a)(3) of the ESA states that when a species is added to the endangered species list, the Service must designate critical habitat "to the maximum extent prudent." At the time the desert yellowhead was listed, the Service did not consider a critical habitat designation a high priority because it is expensive and time-consuming, and it usually offers relatively little conservation benefit. Because of limited financial and staffing resources, the Service gave higher priority to species recovery efforts that were more effective.

In 30 years of implementing the Endangered Species Act, the Service has found that the designation of critical habitat provides little additional protection to most listed species, while preventing the Service from using scarce conservation resources for activities with greater conservation benefits.

What protection does the desert yellowhead currently receive as a listed species?

It is illegal to collect and remove listed plants from Federal lands. However, the ESA does not prohibit "take" of listed plants on private lands, although landowners must comply with state laws protecting imperiled plants.

The ESA prohibits the import, export, or interstate or foreign sale of protected plants without a special permit.

Federal agencies must consult with the Service to conserve the desert yellowhead and ensure that any activity they fund, authorize, or carry out will not jeopardize the continued survival and recovery of the plant. This is referred to as a Section 7 consultation process.

Permits may be issued by the Service for activities that are otherwise prohibited under the Act, if these activities are for scientific purposes or to enhance the propagation or survival of the plant, or for "take" that is incidental to otherwise lawful activities.

In addition, the ESA requires that Federal agencies not only implement actions to prevent further loss of the plant, but also pursue actions to recover the plant to the point where it no longer requires protection and can be delisted.

Do listed species in critical habitat areas receive more protection?

Usually not. A critical habitat designation does not set up a preserve or refuge. It only affects activities with Federal involvement, such as Federal funding or a Federal permit. Listed species and their habitats are protected by the ESA whether or not they are in areas designated as critical habitat.

Do Federal agencies have to consult with the Service outside critical habitat areas?

Even when there is not critical habitat designation, Federal agencies must consult with the Service, if an action that they fund, or authorize, or permit may affect listed species.

Will this designation of critical habitat affect Federal agencies that undertake, permit or fund projects?

Because the desert yellowhead is already a listed species and occurs on Federal land managed by the Bureau of Land Management, that agency is already required to consult on actions that may affect the plant. Therefore, the Service anticipates that little or no additional regulatory burden will be placed on the BLM as a result of a critical habitat designation.

Would a critical habitat designation for desert yellowhead affect use of my personal

property?

No. The only known population occurs on Federal land, and that is where the critical habitat has been designated.

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